

Holland & Knight LLP  
50 California Street, 28th Floor  
San Francisco, CA 94111  
Tel: (415) 743-6900  
Fax: (415) 743-6910

Cheryl P. Weiner, Esq. (CA State Bar No. 170178)  
Neil P. Berman, Esq. (CA State Bar No. 246637)  
RUCKA, O'BOYLE, LOMBARDO & McKENNA  
245 West Laurel Drive  
Salinas, CA 93906  
Tel: (831) 443-1051  
Fax: (831) 443-6419

Attorneys for Plaintiff JAIME ABONCE

Charles L. Coleman III, Esq. (CA State Bar No. 65496)  
David M. Gonden, Esq. (CA State Bar No. 154306)  
HOLLAND & KNIGHT LLP  
50 California Street, 28th Floor  
San Francisco, CA 94111  
Tel: (415) 743-6900  
Fax: (415) 743-6910

Robert W. Vyverberg [admitted *pro hac vice*]  
Troy D. Hoyt [admitted *pro hac vice*]  
HOLLAND & KNIGHT LLP  
131 S. Dearborn St., 30<sup>th</sup> Floor  
Chicago, IL 60603  
Tel: (312) 263-3600  
Fax: (312) 578-6666

Attorneys for Defendant,  
BRIDGESTONE FIRESTONE NORTH AMERICAN TIRE, LLC,  
SUCCESSOR TO BRIDGESTONE/FIRESTONE INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

JAIME ABONCE,

Plaintiff,

vs.

BRIDGESTONE/FIRESTONE INC.

Defendant.

) Case No: 5:08-CV-01767-JF (HRL)

) **STIPULATION AND (PROPOSED)**  
) **ORDER DISMISSING ENTIRE ACTION**  
) **WITH PREJUDICE**

) **Fed. Rules Civ. Proc., Rule 41**

) Before: Hon. Jeremy Fogel

) Pre-Trial Conference: March 1, 2010  
) Trial: March 8, 2010

**IT IS HEREBY STIPULATED** by Plaintiff, JAIME ABONCE herein and Defendant BRIDGESTONE FIRESTONE NORTH AMERICAN TIRE, LLC, SUCCESSOR TO BRIDGESTONE/FIRESTONE INC., by and through their respective counsel of record, as follows:

1. The entire action be and hereby is dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1); and,

2. Each party will bear its own attorneys' fees and costs.

IT IS SO STIPULATED:

Dated: February 5, 2010

RUCKA, O'BOYLE, LOMBARDO &amp; McKENNA

By:                      /S/

Cheryl P. Weiner

Neil P. Berman

Attorneys for Plaintiff JAIME ABONCE

Dated: February 5, 2010

HOLLAND &amp; KNIGHT LLP

By:           /S/          

Troy D. Hoyt

Attorneys for Defendant BRIDGESTONE FIRESTONE  
NORTH AMERICAN TIRE, LLC, SUCCESSOR TO  
BRIDGESTONE/FIRESTONE INC.

IT IS SO ORDERED:

The Complaint filed by Plaintiff herein is hereby voluntarily dismissed with prejudice pursuant to Rule 41 of the Federal Rules of Civil Procedure.

Dated: February 22, 2010

  
Hon. Jeremy Fogel  
United States District Judge

Holland & Knight LLP  
50 California Street, 28th Floor  
San Francisco, CA 94111  
Tel: (415) 743-6900  
Fax: (415) 743-6910

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# 9150538\_v1